



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2204234

**Applicant Name:** GIY & Associates

**Address of Proposal:** 9416 M. L. King Jr. Way South

**SUMMARY OF PROPOSED ACTION**

Master Use Permit for a 621 square foot expansion of an existing storage area. Project includes parking for 34 vehicles at grade. Project also includes grading of 1500 cubic yards of material and new construction of a 200 ft. by 4 ft. retaining wall in an environmentally critical area.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

**SEPA DETERMINATION:** ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site and Vicinity Description**

The site is approximately 233,000 square feet. The easterly half of the site is steep slope with trees and underbrush. The westerly portion of the site along M L King Jr. Way South is fairly flat and used as outdoor storage. The site is split-zoned Commercial 2, with a 65-foot height

limit (C2-65'), SF5000 and SF9600. Parcels to the south and north and across M L King Jr. Way South are also zoned C2-65'; parcels to the east are zoned Single family 5000 (SF5000) and Single Family 9600 (SF9600). The subject site is developed with single story support buildings, and parking area for outdoor storage. The permitted land use is outdoor storage. Two curb cuts along M L King Jr. Way South provide vehicular access to the site. In general, development in the vicinity consists of retail and commercial uses along M L King Jr. Way South and single-family residences a block or two off of the arterial.

### Proposal Description

The applicant is submitting a permit applicant in order to resolve a code violation previously issued by the City of Seattle. The violation was for grading and tree removal in an environmentally critical area without a permit (Case #993044). Approximately 1,500 cubic yards of cut and fill was excavated on the property without the proper permits. This application seeks to obtain permits for grading, tree removal, a new a retaining wall and landscaping improvements.

### Public Comments

No comment letters were received during the official public comment period which ended October 16, 2002.

### ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist dated June 18, 2002, and supplemental information in the project file submitted by the applicant's agent. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision. Seattle Municipal Code (SMC) Section 25.05.665(D), the SEPA Overview Policy, clarifies the relationship among codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Per SMC25.05.665(D)(1-7), mitigation can be considered for specified limitations and/or circumstances. Therefore, a more detailed discussion of some of the anticipated impacts is appropriate.

### Short - Term Impacts

The following temporary or construction-related impacts are expected as a result of approving this permit: diminished air quality due to increased dust and other suspended air particulates during construction; increased noise and vibration from construction operations and equipment; and increased parking and traffic demand generated by construction personnel.

Compliance with existing ordinances, such as the Street Use Ordinance and the Noise Ordinance, will provide sufficient mitigation for the anticipated short-term impacts to air quality and noise levels. Increased parking and traffic demand impacts are not anticipated to be sufficiently adverse to warrant mitigation by conditioning. Because no significant short-term impacts are anticipated, no mitigation of construction impacts under SEPA is warranted.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency and was based on a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 (2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

### **CONDITIONS**

None

Signature: (signature on file) Date: April 3, 2003  
Holly Godard, Land Use Planner  
Department of Design, Construction and Land Use  
Land Use Services

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